

## **REMARKS**

### **I. Status of the Claims**

Claims 1-105 are pending in this application. Claims 32-72 and 101-105 have been withdrawn from consideration by the Examiner as being directed to non-elected subject matter. See Apr. 1, 2008, Office Action at 2. No amendments are presented herein.

### **II. Double Patenting Rejection**

At page 2 of the Office Communication, the Examiner asserts that Applicants' Response dated June 10, 2008, is non-responsive because it allegedly fails to provide a proper response to the non-statutory obviousness-type double patenting rejection.

In the Office Action dated April 1, 2008, the Examiner provisionally rejected claims 1-31 and 73-100 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 32-38 and 45-58 of co-pending Application No. 10/654,907. See Apr. 1, 2008, Office Action at 6-7. In their June 10, 2008, Response, Applicants requested that the Examiner hold this provisional rejection in abeyance until allowable subject matter is indicated. The Examiner has now declined to do so. Therefore, while Applicants respectfully traverse this rejection, in order to advance prosecution, Applicants submit herewith a Terminal Disclaimer to obviate this rejection. Accordingly, Applicants respectfully request the withdrawal of this rejection.

### **III. Conclusion**

In view of the foregoing remarks, and those set forth in Applicant's June 10, 2008, Response, which Applicants incorporate herein by reference, Applicants

respectfully request reconsideration of this application and the timely allowance of the pending claims.

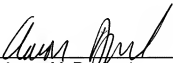
If the Examiner believes a telephone conference could be useful in resolving any of the outstanding issues, he is respectfully urged to contact Applicants' undersigned counsel at 202-408-4152.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 29, 2008

By:   
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Aaron M. Raphael  
Reg. No. 47,885

**Attachment:**      Terminal Disclaimer